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The situation in the occupied territories of Azerbaijan

Security Council
Sixty-third year

Letter dated 3 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith an explanatory memorandum for the draft resolution introduced under agenda item 20, entitled "The situation in the occupied territories of Azerbaijan" and a map reflecting the present situation in the occupied territories of Azerbaijan (see annex).

In view of the forthcoming consideration of the item at a plenary meeting of the General Assembly, I should be grateful if the explanatory memorandum and the map were urgently distributed as a document of the General Assembly, under item 20, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 3 March 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Explanatory memorandum for the draft resolution entitled "Situation in the occupied territories of Azerbaijan" (A/62/L.42)

In implementation of its territorial claims Armenia occupied the Nagorno-Karabakh region of Azerbaijan and seven adjacent districts. The occupation was accompanied by a policy of ethnic cleansing and more than 1 million Azerbaijanis became refugees and internally displaced people.

Responding to the occupation of the Azerbaijani territories the Security Council in 1993 adopted four resolutions — 822 (1993), 853 (1993), 874 (1993) and 884 (1993) — demanding the immediate, complete and unconditional withdrawal of the occupying forces from the occupied territories of Azerbaijan and the creation of necessary conditions for the return of displaced persons to their homes in security and dignity. Those provisions of the resolutions remain unimplemented.

The negotiations under the OSCE Minsk Group started in 1992. At the OSCE Lisbon Summit in 1996 the Co-Chairmen of the Minsk Group and the OSCE Chairman-in-Office recommended and made statements in support of the following principles as the basis for the settlement of the conflict: the territorial integrity of Armenia and Azerbaijan; the highest degree of self-rule for Nagorno-Karabakh within Azerbaijan; guaranteed security for Nagorno-Karabakh and its whole population. But Armenia was the only one out of 54 OSCE participating States which did not accept these principles.

While negotiations are going on, Armenia tries to consolidate the occupation through illegal activities in the occupied territories of Azerbaijan. Armenia has launched an outrageous policy of exploiting natural resources in the occupied Azerbaijani territories, in particular the gold mines in Kalbajar district, aiming to engage overseas companies in the illegal business.

In addition, Armenia falsifies history and misappropriates the cultural and architectural heritage of all occupied territories. Religious and historical monuments, ancient manuscripts and other cultural properties have been destroyed, refashioned, plundered and removed.

Furthermore, Armenia has launched an outrageous policy of massive illegal settlement of Armenian population in the occupied territories, which is another blatant violation of international law.

In an expression of serious concern about the massive settlement in the occupied territories, the item entitled "The situation in the occupied territories of Azerbaijan" was included in the General Assembly's agenda at the fifty-ninth session. As a result of the consideration of the item at a plenary meeting of the General Assembly on 23 November 2004, the first-ever OSCE fact-finding mission was dispatched to the occupied territories of Azerbaijan from 31 January to 5 February 2005.

The fact-finding mission confirmed the facts of the Armenian settlement of the occupied territories. The Co-Chairmen of the OSCE Minsk Group requested that any

further settlement of the occupied territories of Azerbaijan be discouraged and urged that changes be avoided in the demographic structure of the region, which would make difficult any further efforts to achieve a negotiated settlement of the conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan (see A/59/747-S/2005/187). The fact-finding mission became feasible owing to the General Assembly's just and right approach to the grave concern articulated by Azerbaijan.

However, another dangerous development occurred in the occupied territories. Starting from June 2006 we registered massive fires in the eastern part of the occupied territories. What deeply concerned us was the continuation of the fires and the fact that they had been taking place in those territories where the Azerbaijani population would eventually return.

With the view to taking comprehensive measures to suppress the fires, eliminating the impact of this environmental disaster and rehabilitating the fire-affected territories of Azerbaijan, our delegation, acting in the spirit of compromise, during intensive consultations, demonstrated maximum flexibility to accommodate every concern and, as a result, on 7 September 2006 the General Assembly adopted resolution 60/285 without a vote.

Pursuant to that resolution, an environmental assessment mission led by OSCE to the fire-affected territories in and around the Nagorno-Karabakh region was conducted from 2 to 13 October 2006. In its report, the mission proposed short-, medium- and long-term initiatives (see A/61/696). However, those proposals, which, beside their ultimate aims, supposed the establishment of confidence, have never been implemented in the occupied territories.

Azerbaijan has always conducted the negotiations in good faith, whereas Armenia, contrary to the aims of negotiations, through continued military occupation, demonstrates its unchanged "fait accompli" policy and this position of the Armenian officials should ring another alarm bell about the real intentions of the Government of Armenia.

The talks are built on the clear basis of the full restoration of Azerbaijan's territorial integrity and sovereignty. In the final stage of the settlement, we envisage a peaceful and prosperous region, where the Azerbaijani and Armenian communities of Nagorno-Karabakh would live in friendship and security within the Republic of Azerbaijan. To arrive at this point, we need to eliminate the consequences of the conflict, namely, the occupying forces shall leave all occupied territories, internally displaced people shall return to their places of origin, and transport and communication links shall be restored.

In spite of negotiations that have continued for more than a decade, the conflict is not settled and this situation causes on our part profound anxiety, frustration and disappointment. The consideration of the item at the plenary meeting of the General Assembly absolutely does not mean that we intend to change the format of the negotiations on the settlement of the conflict. The main reason for the discussion of the item and for taking action on the draft resolution is to reconfirm the basic principles of the settlement of the conflict, to express support for the mediators and to encourage them to intensify efforts aimed at the peaceful settlement of the conflict in accordance with the norms and principles of international law, in particular those related to sovereignty and territorial integrity,

and to give an additional impulse to the peace process in order to prevent a possible impasse and stagnation in the negotiations. The international community should give a clear message that the acquisition of any territory of a sovereign State by force and the situation resulting from it will never be recognized as legal.

Azerbaijan values the position of the international community, which has unequivocally supported the territorial integrity of Azerbaijan. Azerbaijan strongly believes that, at this crucial juncture in the United Nations reform process, the General Assembly, as the chief deliberative, policymaking and representative organ of the United Nations, will again prove its relevance and validity to deal with any question relating to the maintenance of international peace and security, articulate its position and address the issue of concern. The forthcoming consideration of the item is not only about voting for the draft resolution, it is not even about expressing political support for the concern of Azerbaijan, it is about boosting the principles and norms of international law, it is about supporting all Member States whose sovereignty and territorial integrity might be in danger at any time in this crucial and difficult period of international relations.

RESULTS OF ARMENIAN AGGRESSION

Occupied territories of Azerbaijan

Nagorny-Karabakh region

Territory	- 4 388 sq. km
Population (1989)	- 189 085
Armenians	- 145 450 (76,9%)
Azerbaijanis	- 40 488 (21,5%)
Russians	- 1922 (1%)
Others	- 1825 (0,6%)

Shaumo district

Territory	- 289 sq. km
Population (1989)	- 20 579
Azerbaijanis	- 19 036 (92,5%)
Armenians	- 1 377 (6,7%)
Occupied	- May 8, 1992

Districts outside Nagorny-Karabakh region

	Occupation	Expulsion
Lachin	- May 18, 1992	- 71 000
Kelbajar	- April 2, 1993	- 74 000
Aghdam	- July 23, 1993	- 165 000
Fizuli	- August 23, 1993	- 146 000
Jebrayil	- August 26, 1993	- 66 000
Gubadly	- August 31, 1993	- 37 900
Zangilan	- October 28, 1993	- 39 500

Victims of aggression

Killed - 20 000 Disabled - 50 000 Missing - 4 866

Destructions and damage

Settlements	- 890
Houses	- 150 000
Public Buildings	- 7 000
Schools	- 693
Kindergartens	- 855
Health Care Facilities	- 695
Libraries	- 927
Temples	- 44
Mosques	- 9
Historical Places	- 9
Historical Monuments and Museums	- 464
Museum Exhibits	- 40 000
Industrial and Agricultural Enterprises	- 6 000
Motor Ways	- 800 km
Bridges	- 160
Water Pipelines	- 2 300 km
Gas Pipelines	- 2 000 km
Electricity Lines	-15 000 km
Forests	- 280 000 ha
Sowing Area	- 1 000 000 ha
Irrigation Systems	- 1 200 km

The total damage is estimated up to 60 billion US $

Refugees and IDP

Refugees from Armenia	- 250 000
Internally displaced persons from the occupied territories	- 660 000
Internally displaced persons from regions along the border with Armenia and line of occupation	- 100 000
Total	-1 010 000

Armenian Armed Forces in the occupied territories

Tanks - 316 Artillery - 322
ACV - 324 Personnel - 40 000

Settlers illegally transferred to occupied territories

Nagorny-Karabakh	- 8 500
Lachin	- 13 000
Kelbajar	- 700
Zangilan	- 520
Jebrayil	- 280
Total	- 23 000

- Temporary Refugee/IDP settlements
- IDP tent camps
- Occupied territories
- – – – Line of occupation
- ..... Admin. line of the former NKAO of Az.SSR

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